

Application No. 10/049,417

Response dated: May 31, 2006

In Reply to Restriction Requirement dated: May 2, 2006

REMARKS

In an Office Action dated May 2, 2006, the Examiner has withdrawn the previous election/restriction requirement of December 15, 2005 and holds that the application contains more than one invention and more than one species which are not so linked as to form a single general inventive concept under PCT Rule 13.1. Applicants are required to elect a single invention to which the claims shall be restricted and a single species to which the claims shall be restricted if no generic claim is finally held to be allowable.

Claims 1-30 are currently pending. Claims 17-27 and 29 are withdrawn and Claims 17, 18 and 23 are further amended to better set forth the invention. Support for the amendment to Claims 17, 18 and 23 is at least found in the specification, the figures, and the claims as originally filed. More particularly, support for amended Claims 17, 18 and 23 is at least be found in originally filed Claims 1, 1-13 and 14.

Particularly, the Examiner identifies alleged multiple inventions:

Group I as including Claims 1-16, 28 and 30 drawn to a representation and/or format of an audio signal;

Group II as including Claim 17 drawn to a decoding process of an audio signal;

Group III as including Claims 18-22 drawn to a rendering system not specific to any type of input signal, specifically not an audio signal; and

Group IV as including Claims 23-27 and 29 drawn to a multi-channel data carrier for audio signals.

(Applicants note that Claim 28 depends from Claim 1, but Claim 1 was included in Group IV on Page 2 of the Office Action regarding groups of inventions. However, in the defined species on Page 3, Claim 28 is included in Group I, from Claim 1. Therefore, Applicants regard Claim 28 as properly belonging with Group I, as detailed hereinabove.)

The Examiner also identifies alleged multiple species:

From Group I, Claim 1, concepts are based upon the components and directions-

Species A: Claims 2, 3 and 28, drawn to the number of components; and

Species B: Claims 4-10, drawn to the directions or directional characteristics.

Application No. 10/049,417

Response dated: May 31, 2006

In Reply to Restriction Requirement dated: May 2, 2006

From Group IV, Claim 23, concepts are a multi-channel data carrier for audio channels-

Species A: Claims 25 and 29, drawn to the number of channels; and
Species B: Claims 26 and 27, drawn to different states of the at least two audio channels.

No generic claim is identified by the Examiner.

The Examiner contends that the enumerated groups and species do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the groups lack the same or corresponding special technical feature because Group I is drawn to a representation of format of an audio signal; Group II is drawn to a method of decoding; Group III is drawn to a rendering system for any type of input signal and Group IV is drawn to a multi-channel data carrier, which is the medium in which the audio signals are transmitted and/or received.

Firstly, in reply to the restriction requirement, Applicants provisionally elect Group I, as including Claims 1-16, 28 and 30, with traverse. Notwithstanding the present election, Applicants reserve the right to pursue the non-elected claims in a related application(s) without prejudice with respect to the present amendment or otherwise.

Applicants herein amend Claims 17, 18 and 23 to better set forth the invention and to provide the same or corresponding special technical feature for the claims. Therefore, the invention as claimed relates to a single general inventive concept as including the same or corresponding special technical feature and complies with PCT Rule 13.1 and 13.2.

Applicants respectfully submit that Groups I, II, III and IV are accepted statutory matter under PCT Rule 13.1 and 13.2. Further, no additional burden is incurred by Examiner to examine Groups II, III and IV as they recite the same or corresponding special technical feature(s).

PCT Rule 13.1 defines a requirement of unity of invention such that one invention or a group of inventions is so linked as to form a single general inventive concept. PCT Rule 13.2 recites that for a finding of lack of unity to be proper, there must be a lack of a

Application No. 10/049,417

Response dated: May 31, 2006

In Reply to Restriction Requirement dated: May 2, 2006

technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features.

Claims 1, 11-14 and 30 of Group I, recites, *inter alia*, "[a]udio signal format comprising N components, each of said N components representing a direction." Claim 17 of Group II, as amended recites, *inter alia*, "[a]method of decoding a first audio signal comprising an audio signal format comprising M directional components, each of said M components representing a direction, said M components being uncorrelated, into a second audio signal comprising an audio signal format comprising N directional components, each of said N components representing a direction, said N components being uncorrelated."

That is, the subject matter of Group II clearly relates to the subject matter of elected Group I as including audio signals with a particular representation or format of an audio signal as claimed in Group I (e.g. Claim 1), thereby indicating a clearly technical relationship involving the same or corresponding special technical feature, namely, the representation and/or format of the audio signal.

Claim 18 of Group III, as amended recites, *inter alia*, "[a] audio signal rendering system comprising at least one input for receiving the audio signal comprising an audio signal format comprising M directional components, each of said M components representing a direction, said M components being uncorrelated." That is, the subject matter of Group III clearly relates to the subject matter of elected Group I as including audio signals with a particular representation or format of an audio signal as claimed in Group I (e.g. Claim 1), thereby indicating a clearly technical relationship involving the same or corresponding special technical feature, namely, the representation and/or format of the audio signal.

Claim 23 of Group IV recites, *inter alia*, "[a] multi-channel data carrier comprising a plurality of audio channels representing an audio signal according to an audio signal format comprising at least two components, each of said at least two components representing a direction, said at least two components being uncorrelated." That is, the subject matter of Group IV clearly relates to the subject matter of elected Group I as

Application No. 10/049,417

Response dated: May 31, 2006

In Reply to Restriction Requirement dated: May 2, 2006

including audio signals with a particular representation or format of an audio signal as claimed in Group I (e.g. Claim 1), thereby indicating a clearly technical relationship involving the same or corresponding special technical feature, namely, the representation and/or format of the audio signal.

Applicants respectfully request reconsideration and withdrawal of the election/restriction requirement.

Secondly, it is respectfully submitted that Claim 1 is a generic claim. The Examiner has stated that no claim is generic. This analysis is respectfully traversed. Claim 1 recites, *inter alia*, "[a] audio signal format comprising N components, each of said N components representing a direction, said N components being uncorrelated." Each of Species A and B, with respect to Groups I and IV including the claims as amended, relate to an audio signal format including a specific number of directional components. Thus, it is respectfully submitted that Claim 1 comprehends within its confines the organization covered in each of the species as required under MPEP 806.04(d). Accordingly, it is believed that Claim 1 is generic.

Finally, in further reply to the restriction requirement, Applicants provisionally elect Group I, Species B, as including Claims 4-10, with traverse. Notwithstanding the present election, Applicants reserve the right to pursue the non-elected claims in a related application(s) without prejudice with respect to the present amendment or otherwise.

Both Species A and B Claims 2-10 and 28 relate to an audio signal format including a specific number of directional components. That is, the subject matter of Species B clearly relates to the subject matter of elected Species A, both within Group I, as including audio signals with a particular representation or format of an audio signal as claimed in Group I (e.g. generic Claim 1), thereby indicating a clearly technical relationship involving the same or corresponding special technical feature, namely, the representation and/or format of the audio signal.

Applicants respectfully request reconsideration and withdrawal of the election/

Application No. 10/049,417
Response dated: May 31, 2006
In Reply to Restriction Requirement dated: May 2, 2006

restriction requirement.

Conclusion

The foregoing is believed to be fully responsive to the outstanding Office Action.

No new matter is added by way of the present Amendment and Remarks as support is found throughout the originally filed specification, claims and drawings.

The Examiner is invited to contact Applicant's attorney at the below-listed phone number regarding this Response or otherwise concerning the present application.

Applicant hereby petitions for any necessary extension of time required under 37 C.F.R. §§1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

CANTOR COLBURN LLP

By:



Amy Bizon-Copp

Registration No. 53,993

CANTOR COLBURN LLP

55 Griffin Road South

Bloomfield, CT 06002

Telephone: 860-286-2929

Facsimile: 860-286-0115

Customer No. 23413

Date: May 31, 2006